

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA, : 23-CR-443(FB)

-against- : United States Courthouse
DIEGO TANTILLO and : Brooklyn, New York
ANGELO GRADILONE, :
Defendants. : Tuesday, November 21, 2023
: 2:30 p.m.
- - - - - X

TRANSCRIPT OF CRIMINAL CAUSE FOR BAIL APPEAL
BEFORE THE HONORABLE FREDERIC BLOCK
UNITED STATES DISTRICT JUDGE

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1 (In open court.)

2 (Defendants enter the courtroom at 2:47 p.m.)

3 COURTROOM DEPUTY: Criminal cause for a bail
4 appeal. United States of America versus Tantillo and
5 Gradilone.

6 Counsel, state your appearances for the record.

7 MR. RODDIN: Appearing for the Government,
8 Assistant U.S. Attorney Andrew Roddin.

9 Good afternoon.

10 MR. WEINSTEIN: Andrew Weinstein. And with me at
11 counsel table is my co-counsel Mark Ferniche on behalf of
12 Mr. Tantillo.

13 Good afternoon, Judge.

14 THE COURT: Good afternoon.

15 MR. SCHNEIDER: Federal Defenders by Michael
16 Schneider for Mr. Gradilone who is at counsel table.

17 THE COURT: So we have a few things to discuss, and
18 there may not be any necessary order or sequence, but this is
19 what I want to talk about.

20 Mr. Roddin, I have to get a handle factually about
21 how these two cases substantively differ from those cases
22 where the co-defendants were released on bond. I'm not clear
23 that there is a real significant factual distinction. I know
24 there are factual differences. But for the substantive
25 overall concept considering the Bail Reform Act and the

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1 presumption that people are entitled to their liberty pending
2 trial, I don't understand how these cases are significantly
3 different; you're going to have to educate me about that.

4 But before you start, when I read Judge Reyes's
5 decision, he may have inadvertently said that -- you're
6 entitled to a hearing, there's no question about it and we're
7 here for that purpose. But I think he also said that there
8 is a presumption of detention and then may be changed his
9 mind and he went on to talk about substantively about whether
10 there is a danger and stuff like that.

11 So I was a little confused about that because I
12 don't see where there is a presumption of detention here from
13 what I've read. I think the presumption is that they're
14 entitled to their liberty under the Bail Reform Act and that
15 you would have the burden of overcoming that.

16 Can you clarify that for me?

17 MR. RODDIN: Yes. I will begin with the
18 presumption question and then I will turn to the factual
19 differences.

20 THE COURT: You are certainly entitled to the
21 hearing, we're here for that purpose.

22 MR. RODDIN: Judge Reyes did not apply a
23 presumption of detention. There was, as you say, an
24 inadvertent comment about a presumption and Mr. Weinstein
25 raised that to Judge Reyes's attention and said, as a point

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1 of clarification, I don't believe -- this is at Page 31 of
2 the transcript -- Mr. Weinstein said, "As a point of
3 clarification, I don't believe -- "

4 THE COURT: Hold it, a little slower. It's okay,
5 we're not in any rush. When I was your age, about three or
6 four years ago, I used to talk very, very quickly. But
7 Mr. Schneider knows over the last 29 years I've slowed down,
8 I think, yes or no?

9 MR. SCHNEIDER: Yes.

10 THE COURT: When you first met me how many years
11 ago, I was talking as fast as Mr. Roddin, right?

12 MR. SCHNEIDER: That's correct.

13 THE COURT: Get the point?

14 MR. RODDIN: Understood, Judge.

15 THE COURT: Not easy, by the way. You have to try
16 to do to because we also want to make sure that all your
17 words of wisdom are going to be properly recorded, okay?

18 MR. RODDIN: Mr. Weinstein raised the question of
19 the presumption to Judge Reyes and said, actually, there
20 isn't a presumption of detention here. And Judge Reyes
21 followed up by saying the Government has submitted extensive
22 evidence, those were his words, extensive evidence, that the
23 defendants ought to be detained.

24 THE COURT: He went ahead and dealt with the
25 substance of it all. But I think he did initially say

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1 something that he thought that there was a presumption of
2 detention but there's none.

3 You agree with that?

4 MR. RODDIN: That's correct.

5 THE COURT: So he may have inadvertently spoke and
6 then he went to deal with it substantively. And he got
7 elevated to district court judge because he said that,
8 correct?

9 MR. RODDIN: Certainly, he did not apply a
10 presumption of detention and that's clear from what he said.

11 THE COURT: So let's talk about the other stuff.

12 Educate me factually about why these folks should
13 really be kept in jail while the others are at liberty.

14 MR. RODDIN: So beginning with Mr. Tantillo. The
15 violence is what makes the difference between Mr. Tantillo
16 and at least one of the other defendants which would be
17 Vincent Minsquero.

18 There was discussion at the arraignment of
19 Mr. Minsquero's role, in particular, in a gas station
20 incident that's described in the detention memo. And the
21 violence attributable to Mr. Tantillo, I think, differs
22 significantly from what's discussed in that portion of the
23 detention memo as to Mr. Minsquero even though, as I said at
24 the time, Mr. Minsquero was not defusing the situation out of
25 the goodness of his heart.

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1 THE COURT: But the others who have been let out, I
2 haven't really memorized what all the charges are against
3 them. My general sense is that it pretty much runs the gamut
4 a lot of bad things, but nonetheless, they were given bail.
5 In the past, we let murderers out on bail. People charged
6 with murders. That's not uncommon. I mean, we don't have
7 anything close to that in this particular case, fortunately.
8 I guess, the younger generation of the Mafioso are not
9 killing people these days, right?

10 So we have all these other crimes. But in the past
11 many times, people have been given bail as long as there is a
12 proper bail package, right? Even though their crimes were
13 much more violent than what we're talking about here.

14 Am I missing something?

15 MR. RODDIN: Well, I think partly, Judge, there's
16 the violence to consider. There's also the nature of the
17 charges, which is the next point I was going to make, against
18 Mr. Tantillo and Mr. Gradilone.

19 THE COURT: Tell me about the nature of the charges
20 against the two of them. I think against one of them it's a
21 no-show charge, right.

22 MR. RODDIN: No, against both of them it's a RICO
23 conspiracy.

24 THE COURT: What does that mean? The underlying
25 predicate acts are what?

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1 MR. RODDIN: Because it's a Glecier conspiracy,
2 specific predicate acts aren't pled in this indictment. But
3 as to each of them, the objects of the conspiracy included
4 things like arson, assault, and extortion.

5 THE COURT: Those are against both of them?

6 MR. RODDIN: Yes.

7 THE COURT: I thought one was basically just
8 charged with a no-show situation.

9 MR. RODDIN: Both are charged with participating in
10 a conspiracy that involved, as its objects, those crimes,
11 among other things.

12 Now, Mr. Gradilone is charged in the standalone
13 counts with theft from employee benefit plans. He's not
14 charged in standalone counts with arsons and assaults and
15 extortions.

16 THE COURT: It just candidly doesn't strike me that
17 these charges are of the dimension which I've seen in the
18 past. I've had, as you know, probably a bunch of these
19 cases, right? I had the Peter Gotti case, I've had a bunch
20 of them. So I'm pretty familiar with the character of the
21 Mafioso, et cetera, et cetera. But I don't see where this
22 things rings the bell with me and maybe I'm missing something
23 that you can't deal with by imposing significant bail
24 conditions which is what we normally do here. They're not
25 going any place.

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1 MR. RODDIN: I think one of the other differences,
2 though, between -- and I'll focus on Mr. Gradilone for a
3 moment. Between Mr. Gradilone and some of the other
4 defendants who were released, is a significant criminal
5 history. And as we detail -- it's old granted.

6 THE COURT: You read my lips. It goes back to 2019
7 or something like that.

8 MR. SCHNEIDER: 2000, Judge.

9 THE COURT: 2000?

10 MR. SCHNEIDER: That's the last felony conviction.

11 THE COURT: A long, long time ago.

12 MR. RODDIN: That's correct. It is a serious
13 criminal history and it involves the possession of weapons
14 and I think that's certainly a factor the Court needs to
15 consider not only in assessing his dangerousness but also his
16 risk of flight.

17 THE COURT: Let me divert, with my apologies, but
18 that's what I tend to do. I don't see any risk of flight
19 here. I know that that's one of the things that we ought to
20 consider, but I don't see any real significant risk of
21 flight. I certainly they can't be cured by bail conditions.
22 So I think we're talking about danger to the community if I
23 read this correctly.

24 MR. RODDIN: Well, I submit that both are present.
25 I understand the Court does not see a risk of flight as to

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1 either but I submit that both are present.

2 THE COURT: I don't see that. If you want to try
3 to argue that there is a risk of flight, you certainly can do
4 so. I don't think it will necessarily be something that you
5 may want to do. You may want to focus on your stronger
6 argument that these are dangerous people. But if you want to
7 frivolously talk about risk of flight, I will give you the
8 opportunity to do so.

9 MR. RODDIN: Seeing that this will not be a
10 successful argument before this court, I won't focus on the
11 risk of flight.

12 THE COURT: Okay.

13 MR. RODDIN: What I will focus on is the
14 significant danger presented by the conspiracy that both
15 defendants --

16 THE COURT: That's the focus.

17 MR. RODDIN: That both defendants are charged with
18 taking part in.

19 THE COURT: And you think the Government has
20 overcome the presumption attaches to allow these people to be
21 at liberty who have been not been convicted of a crime at all
22 because of the serious nature of the crimes that are charged.
23 And you have a lot of information which you've given me that
24 shows they did some bad things, I get it.

25 Is that basically the thrust of your argument?

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1 MR. RODDIN: Absolutely.

2 THE COURT: Okay.

3 MR. RODDIN: There are numerous violent extortions
4 and attempts at violent extortions detailed in the detention
5 memorandum and charged in the indictment. The Court has seen
6 the photos of what resulted to two of the victims of those
7 extortions.

8 THE COURT: You laid it out and you may be right.
9 But as I understand the law, I think I understand it
10 correctly, that even if you have a very weighty case that
11 doesn't mean it's lights out. It's certainly a serious
12 factor to consider but it's not really a per se determination
13 that would warrant their detention. It's something for me to
14 consider, do you agree with that?

15 MR. RODDIN: Certainly. That's not the end of the
16 inquiry at all.

17 THE COURT: Let me then switch and give you a
18 chance to catch your breath when I ask these distinguished
19 members of bar here, your colleagues.

20 So we are talking about some serious evidence that
21 I read. I've seen the pictures and there seems to be some
22 credible basis to what the Government has put forward. Why
23 should that not be sufficient to keep them in jail.

24 Mr. Weinstein, you go first.

25 MR. WEINSTEIN: Well, may it please the Court.

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1 Your Honor, there are allegations, there has been a
2 finding of probable cause with the return of the indictment.
3 Basically, what the Government's argument boils down to its
4 essence is when a defendant is charged with crimes of
5 violence, and they throw the word "Mafia" around, that's the
6 end of the ball game.

7 So there are -- my argument is really --

8 THE COURT: Let me interrupt you.

9 They're doing more than that. They really have
10 come forward with concrete evidence: Pictures, photographs,
11 lots of other things, right? Burning down the house, you
12 name it. So it's not just mere allegations, there's
13 something concrete behind that. I'm not saying that that
14 really gives your client jail until the trial, but I just
15 think you have to address that.

16 I have to weigh that, right?

17 MR. WEINSTEIN: A hundred percent.

18 THE COURT: Okay. And why should I not weigh that
19 in favor of the Government's position?

20 MR. WEINSTEIN: I think you can weigh that in favor
21 of the Government's position with one proviso which is we're
22 not here to have a minitrial. We haven't been provide
23 discovery, they had evidence tying Mr. Tantillo to a reported
24 assault, the thing with the hammer. The evidence that they
25 put forth is someone sent someone a text message. We haven't

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1 seen the other text messages. I guess, I suppose, that if
2 you were to ask the Government, hey, Government were there
3 any or text messages between these two people? How many
4 dozens or hundreds of there were there relating to work that
5 might put things in context? When they're talking about the
6 big quote, unquote, extortion, this thing about \$4 million in
7 dumping fees after somebody gets hit in December of 2019,
8 there is a huge, huge backstory there.

9 We are talking about a company that Mr. Tantillo
10 was a part owner of and was employed by for 25 years; who had
11 millions of dollars of post-tax equity built up in that
12 company. And when there was a separation, that when they
13 fired him in June of 2019, he went out, he hired a white
14 shoe, prestigious law firm to negotiate a separation from
15 them. This was all done in conference rooms with lawyers
16 over the period of a year or more.

17 And so, they talk about someone got into a fight in
18 a garage and then they try and say, shortly thereafter
19 Mr. Tantillo got \$4 million in reduced dumping fees. Not so.
20 There's a four- to five-month gap between those two things,
21 it doesn't make sense. And throughout this whole period of
22 time, as you'll see eventually, things were being handled by
23 lawyers in law firms, in conference rooms, being negotiated
24 at arm's length.

25 But the crux of this is really -- and, your Honor,

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1 you hit the nail on the head and you cut my anticipated
2 argument by about 70 percent with the comments that you made
3 when you first came out.

4 THE COURT: People usually say good things about
5 the judge.

6 MR. WEINSTEIN: The reality of it is, even though
7 we dispute the factual allegations and the crimes and the
8 assertions, the reality of it is where the Government has
9 fallen completely short where they have presented zero
10 evidence is that there are not a combination of conditions
11 that can adequately assure the safety of the community.

12 THE COURT: We're going to talk about that. Let me
13 toss this back to Mr. Roddin.

14 So I'm a little bit intrigued about the fact that
15 RICO conspiracy, I think the Second Circuit has held that
16 it's not, under the categorical approach, a crime of violence
17 substantively. But I don't think there's any case that
18 specifically has come down with that same decision vis-à-vis
19 the Bail Reform Act.

20 Am I correct about that.

21 MR. RODDIN: In fact, Watkins says the opposite
22 more or less.

23 THE COURT: That's not what we're talking about
24 now.

25 But your position is that you think Watkins stands

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1 for the proposition that it's a RICO conspiracy is a crime of
2 violence?

3 MR. RODDIN: Watkins says that RICO conspiracy is
4 not subject to the same type of challenge that, for
5 example --

6 THE COURT: That goes back. But since then, the
7 Supreme Court has spoken out and you have the -- I forget the
8 name of the case -- the Second Circuit has recently spoken
9 about the fact that RICO conspiracy substantively is not a
10 crime of violence. Why should the same approach be applied
11 to the Bail Reform Act.

12 Is there really a distinction?

13 MR. RODDIN: I think there is a distinction. I
14 also think it's sort of a distinction without a difference
15 when we talk about the kind of witness intimidation that went
16 on and what that means for risk of flight even if we were to
17 put aside the question of a crime of violence.

18 THE COURT: So Mr. Schneider is now going to earn
19 his keep. He's going to tell me whether or not there should
20 be a distinction, if I'm correct about this, maybe I'm not.
21 But I'm under the impression that RICO conspiracy
22 substantively is not a crime violence but does it apply to
23 the Bail Reform Act differently.

24 What do you see about that?

25 MR. SCHNEIDER: So I will say this. The Second

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1 Circuit has held that the Residual Clause of the crime of
2 violence definition still holds under the Bail Reform Act.
3 Because like the guidelines, the Bail Reform Act apparently
4 can't be unconstitutionally vague. So although RICO
5 conspiracy is not a crime of violence under the
6 Elements Test, the Government could try to argue that's it's
7 a crime of violence under that Residual Clause that we all
8 remember being overturned by Johnson and Davis and Taylor.

9 And what Watkins says is that even when applying
10 the Residual Clause now, you have to use the categorical
11 approach. And quoting from page, I'm not sure what page it
12 is, "You're required to imagine how the idealized, ordinary
13 case of the crime subsequently plays out."

14 My position is the idealized ordinarily use of RICO
15 conspiracy is not necessarily violent. You can have RICO
16 conspiracy wire fraud --

17 THE COURT: I think there's law to that effect.
18 What intrigues me is whether that also applies under the Bail
19 Reform Act. I see no reason why it should not.

20 MR. SCHNEIDER: Well, for my client, you come out
21 at the same place, right? The Government cannot make a
22 showing here that there's no combination of conditions that
23 can assure his return to Court.

24 THE COURT: We have time for that. What I'm
25 curious, conceptually, is there a nuanced difference between

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1 the categorical approach vis-à-vis the substantive RICO
2 conspiracy dynamic as compared to the Bail Reform Act?

3 MR. SCHNEIDER: Yes.

4 THE COURT: There is no difference here?

5 MR. SCHNEIDER: There is a difference.

6 There is a difference because under the Bail Reform
7 Act you still have to consider the Residual Clause that says,
8 any -- whatever it says. You don't have to do just the
9 Elements Test, you can go to the idealized form of the crime
10 but you still can't look at the facts alleged in this
11 indictment, you have to look at what a RICO conspiracy
12 usually is.

13 THE COURT: Under the Bail Reform Act, you look at
14 the basic residual clauses you're talking about here.

15 MR. SCHNEIDER: It's still applicable according to
16 the Court of Appeals but, you know, they've also -- they've
17 never really accepted Davis from the Supreme Court, it always
18 makes them angry.

19 THE COURT: I just wonder if I should write
20 something about that. Your clients could care less what
21 we're talking about.

22 So let's talk about, Mr. Roddin, I think under
23 serious crimes, as you say, you give this or that, but that's
24 what the conditions of bail are all about. I mean, they're
25 not going any place. We can wrap them up really tight here,

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1 they got all sorts of sureties. I think one is eight, the
2 other has four. There's 2 million, there's 5 million,
3 there's 10 million, whatever it is.

4 Why is that not sufficient? I mean, considering
5 that you have overcome the presumption, they seem to have
6 ample, security here. They seem to have ample constraints on
7 their freedom here. What do you want to do short of shooting
8 them?

9 MR. RODDIN: There's two reasons that no conditions
10 are sufficient. One is their individual means.

11 THE COURT: Let's talk about that.

12 MR. RODDIN: Yes.

13 THE COURT: Slow. What difference does it make?

14 MR. RODDIN: The difference that it makes is that
15 they have great ability to relocate and flee somewhere else
16 should they choose to.

17 THE COURT: They're not allowed to leave their
18 home. What do you mean they have great ability to relocate?

19 MR. RODDIN: Judge --

20 THE COURT: I don't get it.

21 MR. RODDIN: Because they're --

22 THE COURT: Whether they're millionaires or not,
23 they're not going to be able to leave their home.

24 MR. RODDIN: Simply that they aren't allowed to
25 leave their home doesn't mean they won't make some attempt

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1 to. And I think, certainly, when we're talking about a
2 conspiracy --

3 THE COURT: So you're telling me that wealthy
4 people should never be given their liberty because they have
5 financial means that could possibly give them some more
6 flexibility in terms of living high on the hog?

7 MR. RODDIN: That is certainly not my argument. My
8 argument is that, in this case, with these men who are
9 charged in a conspiracy that involved assaults and witness
10 intimidation, it's not going to be enough to say --

11 THE COURT: You have a better argument than the
12 fact that they're wealthy or one's wealthy?

13 MR. RODDIN: Yes. I would point to the fact, and
14 we've belabored in our initial detention memo and again in
15 our response to the bail motions, the bail appeal motions,
16 that the Second Circuit has said we can't have private jail
17 for wealthy defendants and jail for indigent defendants.

18 THE COURT: So it means all the wealthy people stay
19 in jail, right?

20 MR. RODDIN: No, Your Honor. What it means is that
21 in a case where these men are charged with -- I know I keep
22 saying it -- but witness intimidation, among other things. A
23 conspiracy that resulted in witness intimidation, among other
24 things. There is serious cause for concern that even under
25 strict conditions and even under home detention, they will

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1 have access to either their own means or other people's
2 means.

3 THE COURT: Do you have a better argument?

4 MR. RODDIN: Your Honor, I think certainly the
5 witness intimidation is a major factor for the Court to
6 consider.

7 THE COURT: I don't want to be cat and mouse with
8 you, okay? I've given you every opportunity, it doesn't
9 register with me. Obviously, I've studied this, I thought
10 about it hard and I've had a lot of cases with Gambinos and
11 you name it, okay?

12 And I'm not giving them any gold stars, but we do
13 have the fact that they're presumed to be at liberty, they
14 should be, they have extremely stringent requirements we're
15 going to impose upon them, monitoring, you name it. There's
16 going to be a host of things. There's going to be a couple
17 million dollars that they're going to be at risk of losing if
18 they violate it. I don't see a history of their violating
19 any conditions here in the past. I just don't get it, but
20 I'm going to give you your last opportunity to try to
21 convince me because I'm not convinced.

22 MR. RODDIN: What we're talking about is not just
23 the individual means but the access to the resources of the
24 network, the network people the crime family. I know the
25 Court is well familiar --

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1 THE COURT: What is that all about? They can be in
2 jail and make phone calls, they can have visitors come. I
3 don't get that.

4 MR. RODDIN: That's certainly -- I'm not without
5 concern for that as well. But when we're talking about the
6 network that they're charged with being part of, there is
7 serious cause for concern that other people's resources may
8 also be brought to bear.

9 THE COURT: That's always the case in every one of
10 these cases.

11 MR. RODDIN: I think it's rather a heightened
12 concern.

13 THE COURT: Why?

14 MR. RODDIN: From what we're talking about is a
15 crime organization as opposed to a single actor.

16 THE COURT: Look, I'm pretty much a straight
17 shooter, I don't get. So I'm going to write a decision in a
18 way or so I guess. We're going to fine tune the bail
19 conditions. I got to look at that, I haven't had a chance to
20 do that. I'll be very stringent with them, no question about
21 it. There will be something similar to what I did in Campo
22 some years ago.

23 And if you really want to propose to me what you
24 think would be the problem bail conditions do this. I'm
25 going to let them out, okay, but I want to make sure that we

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1 have very stringent bail conditions. I don't want to give
2 you, the Government, the opportunity to propose to me what
3 you think they ought to be. And you can do that -- I won't
4 let them out today, you know, maybe by Friday we can do that.
5 But if you can let me know by tomorrow what conditions you
6 want me to consider, I'll certainly give you that respect and
7 do that even though I'm not going to agree with you on the
8 substantive aspects of it, okay?

9 MR. RODDIN: Understood.

10 THE COURT: And I think you've already spoken about
11 your bail conditions. Is there anything else you want to
12 submit to me about what you think I should consider?

13 MR. SCHNEIDER: I do.

14 First of all, Judge, I want to point out that
15 courts are going to be closed on Friday. I don't think
16 there'll be a duty magistrate, there might be one on duty
17 Saturday just for the Court's information.

18 THE COURT: Maybe I can do it by tomorrow.

19 MR. SCHNEIDER: Okay.

20 THE COURT: Here's what I'm thinking.

21 We all have a human aspect to us, even people who
22 have had not the same privileges that we have had and have
23 led a different type of life which I do not approve of. But
24 we're going to have Thanksgiving on Thursday, maybe I should
25 try to let them out tomorrow.

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1 MR. SCHNEIDER: So the only point I would make, and
2 I will write it today and send it to court if you want, is
3 that there's no real difference between my client and the
4 five co-defendants who were released. The bond in all those
5 cases was a million dollars which is what I'm asking for.
6 And for four of them there's home detention which I don't
7 object to. So I think that a bond along those lines is
8 appropriate for my client. He is actually charged -- he's
9 the least charged among those defendants.

10 THE COURT: Can you do this before the duty
11 magistrate tomorrow to make sure that the sureties are in
12 place and we know all the Ts are crossed and the Is dotted.

13 MR. SCHNEIDER: If you issue an order giving the
14 parameters of the bond, we can schedule this before the duty
15 magistrate who can sign the bond.

16 THE COURT: Maybe I can do that today in the next
17 two hours. Come down with some order to give you some
18 general parameters. Go to the duty magistrate and submit to
19 him or her whatever the bail conditions you think should be
20 imposed.

21 Does that make sense?

22 MR. SCHNEIDER: I think so.

23 MR. WEINSTEIN: That's fine. My client's entire
24 people, all the proposed signers, are here.

25 THE COURT: I can't manage that, I can't process

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1 that. If you want to, within the next hour or so, I know
2 it's putting some pressure on you, I know it's a holiday.
3 Just send it to me what you think the bail conditions ought
4 to be from your perspective. I maybe able to bless them or
5 maybe the two of you can all -- the three of you could all
6 get together and propose something to me.

7 Is that possible?

8 MR. RODDIN: I think we may need a bit more than
9 hour for that, Judge. I'll certainly want to consult with
10 members of my office to talk about proposed conditions, but
11 we'll have something filed as quickly as possible, certainly.

12 THE COURT: Why don't you try because we have the
13 holiday. Why don't you try to, all three of you, talk now.
14 It's 3:00, you can do it between 3:00 and 5:00 and see if you
15 can come to some collectively sense of the parameters for the
16 bail package that you can sent it to me. And if not, you can
17 tell me where you disagree and I'll try to cut an order by
18 the end of today or first thing tomorrow morning. Say to the
19 duty magistrate, let these people go home for Thanksgiving,
20 that's what we're trying to do.

21 Does that make sense?

22 MR. WEINSTEIN: Yes.

23 MR. SCHNEIDER: Yes.

24 THE COURT: Report back to me at 5:00 o'clock. Let
25 me know where you're at.

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1 MR. SCHNEIDER: I'm going to busy in the morning,
2 so I'm going to ask the duty magistrate to call
3 Mr. Gradilone's case at 2:00 o'clock. I ask the marshals to
4 bring my client back tomorrow.

5 Thank you.

6 THE COURT: I'm sorry, you passed this by me
7 quickly. You want what?

8 MR. SCHNEIDER: I want to make sure the marshals
9 bring Mr. Gradilone back tomorrow from the MDC.

10 THE COURT: I think they both have to come back
11 tomorrow.

12 MR. SCHNEIDER: I don't want to step on his toes.
13 He has a client.

14 THE COURT: Can the marshals bring them both back
15 tomorrow, is that doable? Because we have pressure with the
16 holiday season now. We're going to try to get this done.

17 So be back tomorrow. I'll hear from you by
18 5:00 o'clock, hear your thoughts on it, cut an order.

19 Anything else I can do for you today?

20 MR. WEINSTEIN: No, Your Honor.

21 MR. SCHNEIDER: No thank you.

22 THE COURT: One final word. I really respect your
23 position but I'm very direct and very candid when I talk to
24 both parties. I think that you have my sense of things and I
25 don't see any real risk of flight and I think that the proper

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1 bail package can cover whatever concerns you have about their
2 wealth or making phone calls and stuff like.

3 That my take, okay?

4 MR. RODDIN: Understood.

5 THE COURT: Keep up the good work. See you later.

6 MR. WEINSTEIN: Thank you.

7 MR. SCHNEIDER: Thank you.

8 (Defendant exits from courtroom at 3:14 p.m.)

9 (WHEREUPON, this matter was adjourned.)

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CERTIFICATE OF REPORTER

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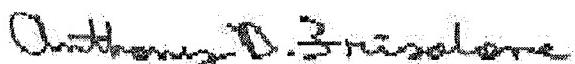
I certify that the foregoing is a correct transcript of the
record of proceedings in the above-entitled matter.

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Anthony D. Frisolone, FAPR, RDR, CRR, CRI
Official Court Reporter

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